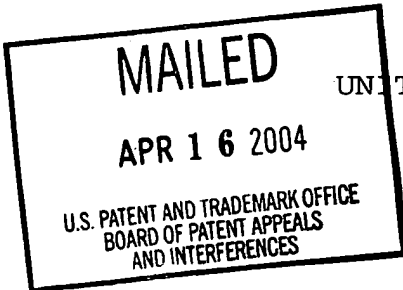


The opinion in support of the decision being entered today was not written for publication in a law journal and is not binding precedent of the Board.

Paper No. 25



UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte TADAO NAKAZAWA, HIROSHI ONAKA
and MINORU SEINO

Appeal No. 2004-0978
Application No. 09/248,103

ORDER REMANDING TO EXAMINER

Appellants filed a Reply Brief on January 29, 2004 (Paper No. 23). According to § 1208 of the Manual of Patent Examining Procedure (MPEP) (8th ed., rev. 1, Feb. 2003), appellant(s) may file a Reply Brief to the Examiner's Answer within two months from the mailing date of such Examiner's Answer. The examiner must then (1) either acknowledge receipt and entry of the Reply Brief or (2) withdraw the final rejection and reopen prosecution to respond to the Reply Brief. See also 37 CFR § 1.193.

Accordingly, it is

ORDERED that the application is remanded to the examiner to acknowledge receipt and entry of appellants Reply

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Brief filed January 29, 2003 (Paper No. 23), or to reopen prosecution to respond to the Reply Brief, notification to appellants in writing, and for such further action as may be appropriate.

It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the status of the appeal (i.e., abandonment, issue, reopening prosecution).

BOARD OF PATENT APPEALS
AND INTERFERENCES

By: 

CRAIG FEINBERG
Program and Resource Administrator
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CRF:clm

Appeal No. 2004-0978
Application No. 09/248,103

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